

REMARKS/ARGUMENTS

The Examiner rejects Claims 12-16 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner rejects Claims 1-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,659,768 to Forbes et al. In addition, the Examiner objects to the drawings for omitting reference number 226, objects to Claim 11 due to a typographical error, and rejects Claims 12-16 under 35 U.S.C. § 112, second paragraph, due to a minor typographical error in Claim 16.

Applicants submit that the claimed invention includes statutory subject matter and that independent Claims 1, 6, 11, and 12 are patentably distinguishable from Forbes. Independent Claims 1, 6, 11, and 12 have been amended to further distinguish Forbes, and dependent Claims 13-16 have been amended for clarification. The specification of the present application has been amended to include reference number 226 to overcome the objection to the drawings. Moreover, the typographical errors in Claims 11 and 16 have been corrected such that the objection to Claim 11 and the rejection of Claims 12-16 under 35 U.S.C. § 112, second paragraph, are overcome. In light of the claim amendments and subsequent remarks explained more fully below, Applicants respectfully request reconsideration and allowance of the claims.

A. Rejection of Claims 12-16 under 35 U.S.C. § 101

The Examiner rejects Claims 12-16 as allegedly lacking statutory subject matter. In particular, the Examiner believes that the claims recite non-functional descriptive material per se that is an abstract idea that fails to produce a useful, concrete, and tangible result. Although Applicants disagree with the rejection as set forth below, Applicants have amended Claim 12 to further recite that the graphical user interface includes a computer-readable storage medium having computer-readable instructions stored therein, wherein the computer-readable instructions, when executed, are configured to generate the initial view and the new view, which further directs the graphical user interface to statutory subject matter.

Patentable subject matter is defined by 35 U.S.C. §101. "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and

requirements of this title.” The Federal Circuit has interpreted 35 U.S.C. §101 as requiring an invention to fall into one of the process, machine, manufacture or composition of matter categories. “The plain and unambiguous meaning of §101 is that any invention falling within one of the four stated categories of statutory subject matter may be patented, provided it meets the other requirements for patentability set forth in Title 35, i.e., those found in §§ 102, 103 and 112, ¶12.” See *State Street Bank & Trust Co. v. Signature Financial*, 149 F.3d 1368, 1372 (Fed. Cir. 1998).

Also in *State Street Bank*, the Federal Circuit described three categories of nonpatentable subject matter namely, laws of nature, natural phenomena, and abstract ideas. See, *id.* at 1373. With respect to abstract ideas, the Federal Circuit reaffirmed that mere mathematical algorithms devoid of some “useful, concrete and tangible result” are specifically not patentable. See, *id.* The Manual of Patent Examining Procedure (“MPEP”) reflects the Federal Circuit’s decision by stating that the “purpose of this requirement is to limit patent protection that have a level of ‘real world’ value, as opposed to nothing more than an idea or concept.” See, MPEP §2106 II. A. In addition, the MPEP proffers a stringent requirement for asserting a lack of utility under §101. “Office personnel have the burden to establish a *prima facie* case that the claimed invention as a whole is **directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result.** Only when the claim is **devoid of any limitation to a practical application** in the technological arts should it be rejected under 35 U.S.C. 101,” (emphasis added). See, *id.* Therefore, statutory subject matter requires that the invention 1) falls into one of the listed categories: process, machine, manufacture, or composition of matter, and 2) produces a “useful, concrete, and tangible result.”

Applicants respectfully disagree with the rejection and submit that independent Claim 12 includes statutory subject matter. Claim 12 is directed to a graphical user interface for selecting dates in an interactive calendar in a data processing system. The interface includes a computer-readable storage medium having computer-readable instructions stored therein, wherein the computer-readable instructions are configured to generate an initial view including a monthly calendar interface for users to select event ranges. Upon receiving a signal designating a first date and a second date associated with an event, the first or second date that is chronologically

before the other is set as the start date, and the other date is set as the end date. The graphical user interface also includes computer-readable instructions configured to generate a new view including a monthly calendar interface presenting information reflecting the event range. Thus, Claim 12 is directed to a graphical user interface (i.e., a machine or product claim), although “[f]or purposes of a 35 U.S.C. § 101 analysis, it is of little relevance whether the claim is directed to a machine or a process” (MPEP § 2106IV.B.2).

In any event, Applicants submit that Claim 12 produces a useful, concrete, and tangible result and demonstrates statutory subject matter. In this regard, the preamble of Claim 12 recites a graphical user interface for selecting dates in an interactive calendar in a data processing system, wherein the interface includes a computer-readable storage medium having computer-readable instructions stored therein. Thus, at a minimum, Claim 12 allows users to enter date information via an interface in the context of a data processing system and computer-readable storage medium, which is useful for various applications, such as for selecting dates to make travel reservations. Thus, the practical application for users is evident where the graphical user interface provides a means for users to enter and view date information, which is clearly not an abstract idea.

Moreover, Applicants submit that Claim 12 produces a concrete and tangible result. Namely, the body of Claim 12 recites that the interface includes an initial view and a new view. The initial view includes an interface for users to select event ranges, while the new view includes an interface for presenting information reflecting the event range. As such, the graphical user interface provides interfaces for facilitating the selection of an event range and viewing of the selected event range, wherein such selecting and viewing is clearly concrete and tangible in order for users to use the graphical user interface. In addition, the graphical user interface clearly produces a concrete and tangible result, as the users would be incapable of interacting and viewing with the graphical user interface if this were untrue.

The Examiner states that “[n]on-functional descriptive material is not made statutory even if in combination with a computer-readable medium so long as no useful, concrete or tangible result is produced,” and that “[i]t is unclear which statutory class the claimed graphical user interface belongs to because the claim limitations merely recite non-functional descriptive

material *per se*, which is non-statutory.” Although Claim 12 is drawn to a graphical user interface including a computer-readable storage medium containing instructions, the instructions are configured for generating an initial view and a new view, which are clearly useful, concrete, and tangible. Applicants have demonstrated that Claim 12 is a machine or product that produces a useful, concrete, and tangible result, which is all that is required to show statutory subject matter. The graphical user interface of the claimed invention provides functionality by providing an interface for generating an initial view for selecting an event range and a new view including an interface for presenting information reflecting the event range. Thus, the computer-readable instructions stored on the computer-readable medium are functionally interrelated with the views generated by the graphical user interface.

With respect to descriptive material, MPEP § 2106 states that:

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” . . . “Nonfunctional descriptive material” includes but is not limited to music, literary works and a compilation of mere arrangement of data.

Furthermore, MPEP § 2106 states that “[d]ata structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer.” Moreover, MPEP § 2106 states that “[d]escriptive material that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. § 101.”

Clearly, Claim 12 of the present application is distinctly different than the examples of descriptive material given in the MPEP, and has been shown to exhibit a functional interrelationship between a data processing system and a graphical user interface that allows users to interact with the interface such that a start date and an end date are designated based on a signal designating a first date and a second date. Therefore, Applicants submit that whether the claim recites functional or non-functional descriptive materials is irrelevant to the question of

whether Claim 12 includes statutory subject matter, as Applicants have shown that Claim 12 is a statutory machine that produces a useful, concrete, and tangible result.

Applicants reiterate that the standard for demonstrating statutory subject matter under 35 U.S.C. § 101 is low, as only a showing of a claimed statutory category and a practical application is necessary to be shown. In this regard, Applicants have shown that independent Claim 12 is a machine that produces a useful, concrete, and tangible result. Therefore, the rejection of Claims 12-16 under 35 U.S.C. § 101 has been overcome.

B. Rejection of Claims 1-16 under 35 U.S.C. § 102(b)

The Examiner rejects Claims 1-16 as being anticipated by Forbes. Forbes discloses a system and method for the time presentation of tasks for depicting graphical and alphanumeric representations of tasks. Scheduled tasks are input in alphanumeric form and displayed graphically in the form of timebars, which are annotated with text or graphics. Timecells are also displayed and include data associated with a given timebar. Timebars are displayed as a rectangle over a scrollable grid that establishes the applicable time interval. The time interval may be defined using a start time and an end time or a start time and a duration. A user may manipulate the timecells textually or manipulate the timebars graphically by placing a pointer on the timebar to make schedule adjustments. In particular, the user may place the pointer on the left end of the timebar and drag the timebar to change the start time, place the pointer on the right end of the timebar and drag the timebar to change the end time, or place the pointer on the timebar to move the timebar. Forbes also discloses displaying a calendar in FIG. 7 that depicts days on which events are scheduled.

Independent Claim 1 provides a method for designating dates in an interactive travel calendar. The method includes providing an interface for users to select event ranges, wherein each event range has a start date that chronologically precedes an end date, and receiving signals designating a first date and a second date that are associated with an event. Claim 1 has been amended to recite comparing the first date and the second date to determine a chronological relationship between the first date and the second date, and determining a start date for an event range based upon the chronological relationship between the first date and the second date.

Similarly, independent Claim 6 recites a method for specifying an event range that includes providing an interface for users to specify event ranges, receiving a series of dates associated with an event, comparing two of the dates in the series of dates to determine a chronological relationship between two of the dates in the series of dates, and setting the two dates in the series of dates as a start date and an end date for an event range based on the chronological relationship between the two dates.

Applicants respectfully submit that Forbes does not disclose comparing two dates to determine a chronological relationship between the dates and then determining at least a start date based on the chronological relationship between the two dates. In particular, Forbes discloses that “[a]n event is defined by a start time and an end time or a start time and a duration.” Col. 4, lines 35-36. In addition, Forbes discloses:

The user would begin using this invention by defining a number of events to be scheduled by specifying and inputting at least an identification of the event, the start time of the event, and either a duration of [sic] an end time to the event. By specifying a timescale and a starting date for the display, the user would cause the invention to display a series of timebars uniquely identified as representing particular events over a scrollable grid with time increments over the calendar period specified. Col. 8, lines 30-38.

Thus, a user of the Forbes system simply enters a start time and end time or duration such that there is no comparison made between the two dates to determine which date chronologically precedes the other date. There is no reason to determine the chronological relationship between the start and end times, as the user simply inputs such information, which is unlike Claims 1 and 6, wherein dates are received and compared to one another prior to setting the dates as a start date and end date. Therefore, Applicants respectfully submit that independent Claims 1 and 6 are patentably distinguishable from Forbes.

Furthermore, independent Claim 11 recites a method for specifying an event range that includes setting a first date and a second date as a start date and an end date for an event range based on a chronological relationship between the first date and second date and presenting information reflecting the event range. The method also includes enabling a user to modify the presented information by selecting a third date, wherein the third date is set as a new start date for the event range when the third date falls within the event range, and the set start date was

received before the set end date. The third date is set as a new end date for the event range when the third date falls within the event range, and the set end date was received before the set start date. Dependent Claims 4, 5, 9, 10, 15, and 16 provide similar recitations where a new date is received and set as a new start date or end date depending on when the set start date or end date was received. Thus, depending on when the start date or end date was received, a new start date or end date may be set in response to entering a third date that falls within the event range spanning the start and end dates.

In contrast, Forbes discloses that a user may textually manipulate a timecell to reflect a schedule change or manipulate a time bar by placing a pointer on the time bar. In particular, Forbes discloses that placing the pointer on the left end of the timebar indicates an intent to change the start time, placing the pointer on the right end of the timebar indicates an intent to change the end time, and placing the pointer in the center of the time bar indicates an intent to move the entire timebar. Thus, Forbes discloses that selecting a date between the start and end times only allows the user to move the timebar. The remaining portion of Claim 11 following the deletion further distinguishes Forbes, as the claim no longer includes those instances where a user of the Forbes system simply moves an end of the timebar to a location that occurs before the set start time or falls after the set end time. As such, Forbes does not disclose selecting a time that falls between the start and end times and setting a new start or end time depending on the when the set start and end times were received, as recited by independent Claim 11 and dependent Claims 4, 5, 9, 10, 15, and 16.

Independent Claim 12 recites a graphical user interface for selecting dates in an interactive calendar in a data processing system. The interface includes an initial view including a monthly calendar interface for users to select event ranges, wherein each event range has a start date that chronologically precedes an end date. Upon receiving a signal designating a first date and a second date associated with an event in response to a selection by a user, the first date or the second date is designated as a start date for an event range based upon a chronological relationship between the first date and the second date. The interface also includes a new view including a monthly calendar interface presenting information reflecting the event range. FIGS.

3-9 of the present application illustrate various monthly calendar interfaces that allow users to select dates and visualize event ranges on the interface.

Conversely, Forbes illustrates in FIGS. 1-6 a daily view that includes timebars and timecells, and illustrates in FIG. 7 a Gregorian calendar that graphically depicts scheduling timeframes and identifies days on which events are scheduled, such as with a larger font size or highlighting. Thus, the calendar depicted in Forbes is only for displaying events that are already scheduled rather than actually using the calendar as an interface for selecting dates to determine an event range. Rather, Forbes discloses that users may enter the start time and end time or duration, and that the start and end times may be changed by moving the ends of the timebar. Therefore, Forbes does not disclose that the monthly calendar is a graphical user interface that allows users to select dates and view the selected event range, as recited by independent Claim 12.

As such, Applicants submit that the rejection of independent Claims 1, 6, 11, and 12, and those claims that depend therefrom, under 35 U.S.C. § 102(b) is therefore overcome.

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CONCLUSION

In view of the amendments and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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